

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KOREA WITCHER JOHNSON,

Plaintiff,

v.

**GREGG COUNTY SHERIFF
DEPARTMENT, *et al.*,**

Defendants.

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Case No. 6:19-CV-308-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Korea Witcher Johnson, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell under 28 U.S.C. § 636. On August 5, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 12), recommending that the action be dismissed with prejudice for failure to state a claim upon which relief may be granted under 28 U.S.C. § 1915(e)(2)(B)(ii).

Plaintiff did not file Objections. Instead, on August 26, 2019, she filed a Motion for an Order to Remove the Use of the United States Postal Service to Be Replaced by the United States Marshal Service. Docket No. 13. In this motion, Plaintiff states that she did not receive or sign for the delivery of the Report and Recommendation and that her “rights to receive all mail has been taken away from [her].” Docket No. 13 at 1. Plaintiff claims that “criminals use the United States Postal Service mail as a tool to unlawfully commit delay of justice.” *Id.* She asks for permission to receive the Report and Recommendation “from the United States Marshals office for the Eastern District of Texas.” *Id.* Plaintiff’s own filing, however, shows

that she received the Report and Recommendation.


This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file Objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 12) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 12) be **ADOPTED**. It is further

ORDERED that Plaintiff's motion seeking alternative service of Court documents (Docket No. 13) is **DENIED**. The above-styled civil action is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **16th** day of **September, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE